

REMARKS

This amendment is filed in response to the Office action mailed Sept. 13, 2002, in which of claims 1-7 on file, claims 1-7 are rejected. With this amendment, claims 1, 2, 5 and 7 are amended, no claims are added to the application, and no claims are canceled, so that claims 1-7 remain in the application.

Attached hereto is a marked-up version of the changes made to the application by this amendment. The attachment is captioned "Version with marking to show changes made."

Rejections under 35 USC §103:

At paragraph 2 of the Office action, claims 1-7 are rejected under 35 USC 103(a) as being unpatentable over Ogushi (U.S. Pub. No. 2002/0029086), in view of Babu (U.S. Pat. No. 6,122,639).

With respect to claim 1, applicant respectfully submits that nowhere in either of the cited references is there a teaching or suggestion of a device identifier (35), for determining components of pre-determined automation or control devices indicated in a device database (33) by periodically querying the devices to have each device indicate its component hardware, software, and firmware, the device identifier (35) for providing the device database (33) with component identifications for the predetermined devices. The Office action asserts that there *is* such a teaching, citing col. 2, per. 27, of Ogushi, but Ogushi does not teach querying the devices to have each device indicate its component hardware, software, and firmware; it teaches instead having a host computer (107) monitor "the operating state" of the industrial equipment. There is no teaching or suggestion of querying the equipment so as to learn from the equipment the component hardware, software, and firmware included in the equipment, as opposed to the operating state of the equipment; the component hardware, software, and firmware included in the equipment is information that is totally independent of information giving the operating state of the equipment, i.e. the component identifications of a piece of equipment are the same whether or not the operating state of the equipment is normal or abnormal.

Further with respect to claim 1, applicant respectfully submits that nowhere in either of the cited references is there a teaching or suggestion of a device configuration manager (36), responsive to the component identifications in the device database (33), and further responsive to available device components in a database (34) of available device components, for comparing the installed device components with the available device components and for providing an offer to upgrade installed device components. The Office action concedes that Ogushi provides no such teaching or suggestion, but asserts that Babu does provide such a teaching: the Office action asserts that Babu shows a system for providing remote automation or control devices comprising a Collection Engine for gathering information from many different network devices, responsive to the component identifications in the device database, and further responsive to available device components in a database of available device components, for comparing the changes in a device information (*sic*) and for providing an offer to upgrade installed device components," citing e.g. col. 13, lines 14-28. Applicant respectfully submits that at the cited location Babu describes creating a MIB (Management Information Base) of information about "physical characteristics" of network devices. (See col. 1, line 30.) The disclosure nowhere defines what is meant by "physical characteristics" of a device, but the disclosure states that,

Each device can have different physical characteristics. New devices, with characteristics that are presently unknown, are being developed. In addition, the characteristics of many network devices may change over time. For example, network device characteristics change when subsystems like boards, network interface modules, and other parts are added or removed from a device.

Since the disclosure states that characteristics change when hardware changes, as opposed to stating that hardware changes are an example of changes in characteristics, it is apparent that the language "physical characteristics" of a device is more likely to indicate one or another operating parameter (depending on the type of device) such as baud rate for a modem, rather than simply the model numbers (or version numbers) of components of a device, i.e. component identifications, as recited in claim 1. None of the various tables included in Babu show components of a device as the kind of information being stored in a MIB. What is shown in Babu is really a MIB structure that is extensible and adaptable so as to be able to accommodate new types of devices, i.e. so as to be able to store "characteristics" relevant to types of devices not

already present in the MIB, characteristics that depend on the type of device. At col. 1, line 47, Babu states that,

Based on the foregoing, there is a clear need for a network data collection mechanism that allows device characteristics to be added, modified and stored without affecting the underlying data collection mechanism. *These characteristics must be specific to each device type.* However, it is also advantageous to be able to combine characteristics that describe families of similar devices. Further, it is necessary to determine all the device information, including device types, in a real-time fashion, by gathering it from operating devices. [Emphasis added.]

Thus, in Babu, the information being collected, i.e. the characteristics for a device, *differs in kind, depending on the device type*, which is included in a database structure as shown in Table I of Babu so as to allow storing the information to query for based on the device type. Nowhere in Babu is there mention of querying a device for a list of its components by model number or version. In contrast to the complex database structure set out in Babu, complex because of having to be extensible to allow for new kinds of devices with new characteristics, the present invention always queries devices only for component information, which is information that therefore does not differ *in kind* depending on the device type; in other words, the present invention requires only a simple tree structure database, i.e. device A has a A1 (by model/version number), which has a A12, ..., and device A also has a A2, which has a A22, ... , and so on, and does not ever need to be adapted to new kinds of devices.

Further with respect to claim 1, applicant respectfully submit that the Office action, in combining Ogushi and Babu to reject claim 1, has failed to provide proper motivation. The manual for patent examining procedure at section 706.02(j) requires that in combining references, an Examiner must make a *prima facie* case of obviousness. To do so, the Examiner must show that there is "some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." Instead of making such a showing, the Office action asserts as the justification for combining Ogushi and Babu that,

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Ogushi with Babu because it would provide to the invention a device configuration manager that gathers information about a device information and configuration, which responsive to the component identifications

in the device database, and further responsive to available device components in a database of available device components, for comparing the installed device components with the available device components and for providing an offer to upgrade installed device components.

Thus, the Office cites the advantage, provided in the application itself, that results from the invention claimed in claim 1. Combining references on such grounds surely qualifies as hindsight reconstruction; it relies not on the prior art, but on the teachings of the application itself. If combining references on such grounds is proper, then any test for combining references is really illusory; the same kind of argument used here (i.e. relying for motivation to alter the prior art, or to combine the teachings of the prior art, on observations provided in the application itself) could be used as the basis for combining any references in any application that provides a motivation for the invention for which a patent is sought. All that need be done is to simply collect the references that in combination show an invention, find an advantage indicated in the application that would result from combining the teachings of the references, and make the combination using the indicated advantage as an argument for combining the references. But there is a test for combining references; it is set out in the MPEP at 606.02(j), and applicant respectfully submits that the test is *not* illusory.

With respect to claim 2, which depends from claim 1, in addition to the arguments made above in respect to claim 1, applicant respectfully submits that nowhere does either Ogushi or Babu teach or suggest a system diagnostics manager (32), responsive to the component identifications in the device database (33), and further responsive to diagnostics information in a database (31) of end user system diagnostics, for providing device status queries, and for updating the database (31) of end user system diagnostics based on responses to the device status queries. The Office action, however, asserts that Ogushi does teach such a system diagnostics manager, citing Fig. 3 of Ogushi. Applicant respectfully submits that as is clearly shown in Fig. 3 and as is made express in the corresponding description, the vendor computer (108) does not query devices indicated in a device database (such as the device database (33) of the invention) for status as claimed in claim 2, but rather waits to receive a "report of trouble" from a device.

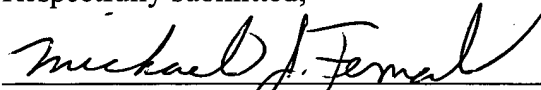
For the foregoing reasons, applicant respectfully requests that the rejections under 35 USC §103 of claims 1 and 2, and of all other claims that depend from claim 1 either directly or indirectly, namely claims 3-7, be reconsidered and withdrawn.

CONCLUSION:

For all the foregoing reasons it is believed that claims 1-7 are in condition for allowance and their passage to issue is earnestly solicited.

Dated: December 13, 2002

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael J. Femal", written over a horizontal line.

Michael J. Femal, Reg. No.: 27,784

SQUARE D COMPANY
1415 South Roselle Road
Palatine, ILLINOIS 60067
Telephone: 847/925-3452
Facsimile: 847/925-7419

Version With Marking To Show Changes Made

In the Abstract:

Please change the abstract as follows:

--A system for providing technical support for remote automation or remote control devices. ~~It includes;~~ the system including: a device identifier (35), for determining components of pre-determined automation or control devices, such as for example programmable logic controllers, indicated in a device database (33), by periodically querying the devices ~~to have each device indicate its~~ for component hardware, software, and firmware, ~~the device identifier and~~ for providing ~~thereby~~ the device database (33) with component identifications for the predetermined devices; and a device configuration manager (36), responsive to the component identifications ~~in the device database,~~ and further responsive to available device components in a database (34) of available device components, for comparing the installed and available device components ~~with the available device components~~ and for providing an offer to upgrade installed device components. ~~In some applications, the system;~~ and also typically includes including a system diagnostics manager (32), responsive to the component identifications ~~in the device database,~~ and further responsive to diagnostics information in a diagnostics database (31) ~~of end user system diagnostics,~~ for providing device status queries, and for updating the diagnostics database (31) ~~of end user system diagnostics based on responses to the device status queries.~~

In the Claims:

The claims below are changed as shown.

1. (Amended) A system for providing technical support for remote automation or control devices, comprising:

a) a device identifier (35), for determining components of pre-determined automation or control devices indicated in a device database (33) by periodically querying the devices to have each device indicate its component hardware, software, and firmware, the device identifier (35) for

providing the device database (33) with component identifications for the predetermined devices;
and

b) a device configuration manager (36), responsive to the component identifications in the device database (33), and further responsive to available device components in a database (34) of available device components, for comparing the installed device components with the available device components and for providing an offer to upgrade installed device components.

2. (Amended) The system of claim 1, further comprising:

c) a system diagnostics manager (32), responsive to the component identifications in the device database (33), and further responsive to diagnostics information in a database (31) of end user system diagnostics, for providing device status queries, and for updating the database (31) of end user system diagnostics based on responses to the device status queries.

5. (Amended) A system as in claim 1, further comprising a general technical information database (18), for providing general technical information about products organized by topic, and further wherein the general technical information database (18) maintains a record of requests for information made about a topic, thereby providing feedback on the useability of products.

7. (Amended) A system as in claim 1, wherein the device identifier (35) queries the devices via the Internet.